

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

UNITED STATES OF AMERICA	§	
	§	
vs.	§	NO: WA:20-CR-00112(1)-ADA
	§	
(1) GERARDO ROCHA-PADRON	§	

ORDER ACCEPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

Before the court is the above styled and numbered cause. On September 19, 2024 the United States Probation Office filed a Petition For Warrant or Summons For Offender Under Supervision for Defendant (1) GERARDO ROCHA-PADRON, which alleged that Rocha-Padron violated a condition of his supervised release and recommended that Rocha-Padron's supervised release be revoked (Clerk's Document No. 40). A warrant issued and Rocha-Padron was arrested. On December 20, 2024, Rocha-Padron appeared before a United States Magistrate Judge, was ordered detained, and a revocation of supervised release hearing was set.

Rocha-Padron appeared before the magistrate judge on December 31, 2024, waived his right to a preliminary hearing and to be present before the United States District Judge at the time of modification of sentence, and consented to allocution before the magistrate judge. Following the hearing, the magistrate judge signed his report and recommendation on January 3, 2025, which provides that having carefully considered all of the arguments and evidence presented by the Government and Defendant, based on the

original offense and the intervening conduct of Rocha-Padron, the magistrate judge recommends that this court revoke Rocha-Padron supervised release and that Rocha-Padron be sentenced to imprisonment for TWELVE (12) months, with credit for time served, with no term supervised release to follow the term of imprisonment. The Court recommends that the term of imprisonment run consecutively with any criminal charges that arise from Defendant's co-pending case that is currently pending in this Court as case number 6:24-mj-0200. (Clerk's Document No. 51).

A party may serve and file specific, written objections to the proposed findings and recommendations of a magistrate judge within fourteen days after being served with a copy of the report and recommendation, and thereby secure a *de novo* review by the district court. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A party's failure to timely file written objections to the proposed findings, conclusions, and recommendation in a report and recommendation bars that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. *Douglass v. United Services Auto Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (*en bane*). The parties in this cause were properly notified of the consequences of a failure to file objections.

On December 31, 2024, following the hearing on the motion to revoke supervised release, all parties signed a Waiver Of Fourteen Day Rule For Filing Objections To Report and Recommendation Of United States Magistrate Judge (Clerk's Document No.


50). The court, having reviewed the entire record and finding no plain error, accepts and adopts the report and recommendation filed in this cause.

IT IS THEREFORE ORDERED that the Report and Recommendation of the United States Magistrate Judge filed in this cause (Clerk's Document No. 51) is hereby ACCEPTED AND ADOPTED by this court.

IT IS FURTHER ORDERED that Defendant (1) GERARDO ROCHA-PADRON's term of supervised release is hereby REVOKED.

IT IS FURTHER ORDERED that Defendant (1) GERARDO ROCHA-PADRON be imprisoned for TWELVE (12) months with no term of supervised release, with credit for time served. The term of imprisonment shall run consecutively with any criminal charges that arise from Defendant's co-pending case that is currently pending in this Court as case number 6:24-mj-0200

Signed this 3rd day of January, 2025.


ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE